

## MESSAGE

FROM THE

# PRESIDENT OF THE UNITED STATES,

TRANSMITTING

*Correspondence on file in relation to the appointment of Mr. A. M. Keiley  
as minister to Italy, &c.*

DECEMBER 14, 1885—Read and laid upon the table and, with the accompanying documents, ordered to be printed.

*To the Senate of the United States:*

In response to the resolution of the Senate of the 9th instant, calling for the correspondence on file in relation to the appointment of Mr. A. M. Keiley as envoy extraordinary and minister plenipotentiary, first to the Government of Italy and then to that of Austria-Hungary, I transmit herewith a report from the Secretary of State, with accompanying papers.

GROVER CLEVELAND.

EXECUTIVE MANSION,  
Washington, December 14, 1885.

*To the President:*

In compliance with the resolution of the Senate adopted December 9, 1885, I transmit herewith copies of the correspondence therein indicated as the same appears on the files of this Department.

Mr. Anthony M. Keiley, of Virginia, was nominated as envoy extraordinary and minister plenipotentiary to Italy, and was confirmed by the Senate on the 2d of April, 1885. He resigned this office on the 28th of the same month.

On the 29th of April he was appointed envoy extraordinary and minister plenipotentiary to Austria-Hungary, and resigned the office September 1, 1885.

Mr. James Fenner Lee, of Maryland, was appointed secretary of legation at Vienna, July 2, 1885, and upon the withdrawal of Mr. J. M. Francis, the predecessor of Mr. Keiley in that mission, on August 3, 1885, was appointed chargé d'affaires *ad interim*, and continues to discharge the duties of that office.

Respectfully submitted.

T. F. BAYARD.

DEPARTMENT OF STATE,  
Washington, D. C., December 14, 1885.

IN THE SENATE OF THE UNITED STATES,  
*December 9, 1885.*

*Resolved*, That the President be requested, if not incompatible with the public interest, to transmit to the Senate the correspondence had by the Government of the United States with the Governments of Italy and Austria-Hungary, in relation to the appointment by this Government of A. M. Keiley, as envoy extraordinary and minister plenipotentiary, first to the Government of Italy, and then to that of Austria-Hungary. And also any other correspondence or information which may be deemed by the President of importance and pertinent to the subject-matter of this resolution.

Attest:

ANSON G. MCCOOK,  
*Secretary.*

## ITALY.

### LIST OF PAPERS.

- (1) Baron Fava to Mr. Bayard, April 13, 1885.
- (2) Mr. Bayard to Baron Fava, April 13, 1885.
- (3) Mr. Keiley to Mr. Bayard, April 18, 1885.
- (4) Baron Fava to Mr. Bayard, April 20, 1885.
- (5) Mr. Keiley to the President, April 28, 1885.
- (6) Mr. Bayard to Baron Fava, April 30, 1885.

### No. 1.

*Baron Fava to Mr. Bayard.*

WASHINGTON, *April 13, 1885.*

SIR: The New York Herald reported yesterday (page 14, second column) some statements of Mr. Keiley, recently nominated and confirmed United States minister to Rome, concerning His Majesty the King Victor Emanuel and the Kingdom of Italy.

Please be so kind as to tell me at what o'clock can I have to-day the honor to speak with you about this matter, which, if it is true, is a most urgent and a most regrettable one.

Accept, &c.,

BARON FAVA.

### No. 2.

*Mr. Bayard to Baron Fava.*

DEPARTMENT OF STATE,  
*Washington, April 13, 1885.*

MY DEAR SIR: I regret exceedingly that my engagements to-day will not allow me the pleasure of the special interview proposed in your note of this morning.

If you consider that the subject to which your note relates cannot be deferred until next Friday, the day set apart for my reception of the

ministers of foreign Governments, I will have pleasure in seeing you at 1 o'clock on Wednesday, the day after to-morrow.

Enough, however, is disclosed by your note to induce me in all frankness to state that this Department cannot make the editorials of a newspaper, having no connection whatever with the Government, in relation to the alleged utterances, confessedly made unofficially some fourteen years ago, of a gentleman selected and approved by the Government of the United States to represent it in a foreign country, the basis of discussion with the minister of that country here resident.

In selecting Mr. Keiley as envoy extraordinary and minister plenipotentiary to Italy this Government has sought to fulfill its honorable and amicable duty towards the Government you represent, and cannot enter into discussion in respect of its action.

It is unnecessary for me to suggest that, having performed our full duty in proffering a gentleman of the highest personal character and intelligence, and one who entertains no other sentiments toward your Government than those of entire respect and friendship, to represent the Government of the United States in Italy, nothing further devolves upon this Government, and believing that Mr. Keiley will prove in all respects agreeable and acceptable as *persona grata* to the Government of Italy, we must leave that Government to the exercise of its own and sole discretion in receiving him in the same spirit of friendship and respect in which he is sent forth.

I am, &c.,

T. F. BAYARD.

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No. 3.

*Mr. Keiley to Mr. Bayard.*

RICHMOND, VA., April 18, 1885.

MY DEAR SIR: Your letter, with inclosures, correspondence with Baron Fava, is just received. I shall at once countermand my order for berths on the Normandy for the 29th and await your further commands. My preparations for starting are complete, except the disposition of my effects, which I shall allow to proceed. I have resigned my office here and my successor has been chosen, so that I am quite free.

The "protestation" as to which his excellency Signor Mancina inquires was the following:

At the request of the bishop of this diocese a public meeting of Catholics was held in the church of his parish January 12, 1871. This was, of course, solely with reference to the occupation of Rome, and the consequent dethronement of the Pope as a civil sovereign, and, in common with the Catholics of America quite generally at that time, I regarded the deprivation of the civil power of the Pope as an unwarranted invasion, and so said. As to my remarks, they were delivered impromptu, and I have taken the pains to ascertain whether they were reported stenographically, and find they were not. After an interval of more than fourteen years I cannot, of course, say whether, or in what degree they were correctly reported; doubtless they were substantially.

The resolutions were prepared by the bishop, and the scope of them is fully expressed in the first, which is as follows:

*Resolved*, That the Catholic clergy and laity of Richmond, confident that their course will be indorsed by the entire diocese, protest against the invasion and spoliation of the states of the church by King Victor Emmanuel as a crime against solemn treaties and against the independence of the head of the church on earth, which must always be imperiled while he is the subject of any temporal prince or government.

I was chairman of the committee, and accept, of course, full responsibility for them, whatever it may be, for which the progress of events, and the firm establishment of the Italian Kingdom, with the approval of the Italian people, has removed all such questions from the realm of discussion. At that time the whole world was discussing them, and I was on the side of those who thought the King of Italy in the wrong.

I do not affect to be indifferent to the settlement of this matter, of course. I have simply rooted myself up and could not reinstate myself here; but I am much more concerned at the annoyance it may have caused yourself and the President.

I presume nothing remains save to await the orderly conclusion of the matter, but I want it distinctly understood that I am absolutely at the disposal of yourself and Mr. Cleveland, who must permit no fear of mortifying me or harming my interests to stand in the way of any conclusion agreeable to yourselves.

Very respectfully, &c.,

A. M. KEILEY.

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No. 4.

*Baron Fava to Mr. Bayard.*

WASHINGTON, April 20, 1885.

MY DEAR MR. BAYARD: His excellency the Italian minister for foreign affairs, to whom I hastened to communicate the contents of your personal of the 17th instant, for which I beg to renew my best thanks to you, has addressed me the cablegram that I have the honor to inclose herewith.

The deep sympathies existing in Italy toward the United States, of which my Government has been always eager to give constant proofs, prompt Mr. Mancini to trust that his considerations will be received and appreciated by the President and by you with that spirit of justice, of high benevolence, and friendship which have always been and are at present proper of the American Government. Making accordingly a warm appeal to such sentiments, his excellency hopes that, in the common interest that we cherish so much to have in Italy a United States representative who might effectively strive to confirm ever more the excellent relations happily existing between the two countries, the United States Government will be willing to bestow upon us a new proof of sincere amity in appointing another candidate as its representative in Rome instead of Mr. Keiley.

Mr. Mancini, to whom I most cordially join, expects with the utmost confidence the decision which His Excellency the President will be pleased to take upon the subject and the reply that your excellency will be kind enough to communicate to me.

I am, &c.,

FAVA.

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[Inclosure—Telegram.]

*Mr. Mancini to Baron Fava.*

ROME, April 19, 1885.

ITALIAN MINISTER, Washington:

I beg you to present my thanks to the Secretary of State for having consented to delay Mr. Keiley's departure. We afforded sufficient proofs of our strong sympathy with the United States, that we might expect a just and benevolent appreciation of



the considerations which dictate our present action. Whatever Mr. Keiley's sentiments may be, and without doubting by any means his high respectability, it is impossible (if his former conduct is really the one remembered by the American newspapers) that he might be *persona grata* to our King, and he might find himself in an unpleasant position in a country whose lawful feelings have been hurt by his utterances in the year 1871. It is therefore in behalf of the common interest we have that the representative of the United States here should be so situated as to be able to effectively and successfully exert himself in strengthening the excellent relations existing between the two countries, that we must sincerely state the impossibility we should experience in making Mr. Keiley's selection acceptable to His Majesty, and that we address a warm appeal to the good amity of the American Government in order that it might oblige us by appointing another candidate to Rome. The change of Mr. Keiley's destination would save us the painful necessity to insist with the Washington Cabinet upon the reasons which indeed ought to render such a nomination undesirable. I expect with confidence the President's decision and the reply of the Secretary of State, which you will please to let me know at once by telegram.

MANCINI.

No. 5.

*Mr. Keiley to the President.*

WASHINGTON, April 28, 1885.

*To the President :*

From the evidence which you have brought to my notice that the present Italian Government holds such prejudices concerning the opinions expressed, and still entertained, by me, in respect of certain public transactions now historic in that country, as render it impossible that my presence as minister to Italy would be either agreeable to that Government or to me, or useful to my own Government, I recognize the impropriety of retaining the commission with which you have honored me, and with thanks for the confidence expressed in tendering it, I beg leave hereby to resign it.

I have, &amp;c.,

A. M. KEILEY.

No. 6.

*Mr. Bayard to Baron Fava.*

APRIL 30, 1885.

MY DEAR BARON : Your personal note of the 20th, inclosing a copy of the cablegram you had received from the Italian minister for foreign affairs, conveying the sentiments of your Government in relation to certain opinions expressed by the Hon. A. M. Keiley at a public meeting in Richmond, Va., in January, 1871, came to my hand, and its purport was made known to Mr. Keiley.

These expressions, made so long ago, are considered by Signore Mancini to constitute the individual who uttered them *persona non grata* to the present King of Italy, and this fact has very considerably been brought to the knowledge of the President through your correspondence with me.

I recognize the full and independent right of your King to decide this question of personal acceptability to him of an envoy of this Government.

In the selection of Mr. Keiley the President was actuated by a hearty desire to cement and strengthen the ties of respect and friendship so long and happily existing between Italy and the United States, and be-

lieving him to be a gentleman of high honor and intelligence, and animated only by the sincerest sentiments of respect and duty to the Government to which he was so accredited, he was duly commissioned to proceed on that honorable and friendly service.

The feeling of your Government on the subject, as conveyed by you to me, has caused an arrestation of Mr. Keiley's movements, and he has returned to the President his commission as envoy extraordinary and minister plenipotentiary to Italy, and the object of Signore Mancini's communication to you is therefore accomplished.

I am, &c.,

T. F. BAYARD.

## AUSTRIA.

### LIST OF PAPERS.

- (1) Mr. Bayard to Baron Schaeffer, May 4, 1885.
- (2) Count Kalnoky to Baron Schaeffer, May 8, 1885.
- (3) Mr. Bayard to Baron Schaeffer, May 18, 1885.
- (4) Baron Schaeffer to Mr. Bayard, May 19, 1885.
- (5) Mr. Bayard to Baron Schaeffer, May 20, 1885.
- (6) Mr. Bayard to Mr. MacLane, May 27, 1885. Telegram.
- (7) Baron Schaeffer to Mr. Bayard, June 11, 1885.
- (8) Mr. Bayard to Baron Schaeffer, June 15, 1885.
- (9) Mr. Francis to Mr. Bayard, June 17, 1885.
- (10) Mr. Francis to Mr. Bayard, June 24, 1885.
- (11) Mr. Francis to Mr. Bayard, June 30, 1885.
- (12) Mr. Bayard to Mr. Francis, July 1, 1885.
- (13) Mr. Francis to Mr. Bayard, July 28, 1885.
- (14) Mr. Francis to Mr. Bayard, August 4, 1885. Telegram.
- (15) Mr. Lee to Mr. Bayard, August 4, 1885. Telegram.
- (16) Mr. Bayard to Mr. MacLane, August 5, 1885. Telegram.
- (17) Mr. Lee to Mr. Bayard, August 6, 1885.
- (18) Mr. Lee to Mr. Bayard, August 17, 1885.
- (19) Mr. Bayard to Mr. Lee, August 31, 1885.
- (20) Mr. Keiley to Mr. Bayard, September 1, 1885.
- (21) Mr. Bayard to Mr. Keiley, September 15, 1885.
- (22) Mr. Lee to Mr. Bayard, October 9, 1885.

No. 1.

*Mr. Bayard to Baron Schaeffer.*

DEPARTMENT OF STATE,  
Washington, May 4, 1885.

BARON: I have the honor to inform you that the President has appointed Anthony M. Keiley, of Virginia, one of our distinguished citizens, to succeed Mr. Francis as the envoy extraordinary and minister plenipotentiary of the United States at Vienna.

In communicating this intelligence, I desire to bespeak for Mr. Keiley, through your kind offices, that favorable reception at Vienna which is due to his merits as an American citizen of great ability and character.

I improve, &c.,

T. F. BAYARD.

## No. 2.

*Count Kalnoky to Baron Schaeffer.*

[Translation of telegram.]

VIENNA, May 8, 1885.

We regret the nomination of Mr. Keiley as minister plenipotentiary and envoy extraordinary to the imperial court and his sudden departure from America, as here, too, like in Rome, *prevail scruples against this choice.*

Please direct *in the most friendly way* the attention of the American Government to the generally existing diplomatic practice to ask previously to any nomination of a foreign minister the *agrément* (consent) of the Government to which he is accredited.

You are therefore requested to earnestly entreat them that the newly nominated minister may not reach Vienna before our confidential consent to his nomination has taken place.

The position of a foreign envoy wedded to a Jewess by civil marriage would be untenable and even impossible in Vienna.

COUNT KALNOKY.

## No. 3.

*Mr. Bayard to Baron Schaeffer.*DEPARTMENT OF STATE,  
Washington, May 18, 1885.

BARON: On the evening of May 8th instant I received from you at my residence a private note to the effect that you had a telegram from your Government which you desired to lay before me at the State Department, and I instantly replied appointing the following morning, May 9, for our meeting at the place so designated.

On May 9, at noon, you kindly handed me the translation you had made of a telegram dated Vienna, May 8, 1885, from Count Kalnoky to yourself, which is literally as follows:

We regret the nomination of Mr. Keiley as minister plenipotentiary and envoy extraordinary to the Imperial Court, and his sudden departure from America, as here, too, like in Rome, *prevail scruples* against this choice.

Please direct *in the most friendly way* the attention of the American Government to the generally existing diplomatic practice to ask previously to any nomination of a foreign minister the *agrément* (consent) of the Government to which he is accredited.

You are therefore requested to *earnestly entreat* them that the newly-nominated minister may not reach Vienna before our confidential consent to his nomination has taken place.

The position of a foreign envoy wedded to a Jewess by civil marriage would be untenable and even impossible in Vienna.

COUNT KALNOKY.

You were then informed by me in our conversation that the Hon. A. M. Keiley, envoy extraordinary and minister plenipotentiary of the United States to your Government, had embarked for Europe on the day previous to the day on which the telegram was dated, and being then upon the high seas it was, as it still is, impossible to inform him of the telegram received by you until his arrival in Europe.

The reason, and the only reason, given for the indisposition of the Government of Austria-Hungary to receive Mr. Keiley, stated in the

telegram and repeated by you verbally to me, consists in the allegation that his wife was "a Jewess," and that his marriage to one of that faith would render his position in the words of the telegram "untenable and even impossible in Vienna."

On Saturday, the 16th of May, at 4 p. m., I received your communication of that date, as follows:

I have the honor to inform you that, in reply to the communication addressed by me to His Majesty's Government that Mr. Keiley would not be stopped *en route* to Vienna, Count Kalnoky has instructed me to let you know that this nomination will doubtless be attended with great difficulties, and the new minister will find himself placed in a most painful situation upon his arrival in Vienna.

The question thus raised by your Government involves principles of the greatest importance, and has no precedent as yet discoverable to me in modern times and in intercourse between friendly nations; and having submitted the matter to the consideration of the President, I am instructed by him to inform your Government, through you, that the ground upon which it is announced, that the usual ceremonial courtesy and formal respect are to be withheld from this envoy of the United States to your Government, that is to say, because his wife is alleged or supposed by your Government to entertain a certain religious faith, and to be a member of a certain religious sect, cannot be assented to by the Executive of the Government of the American people, but is and must be emphatically and promptly denied.

The supreme law of this land expressly declares that "no religious test shall ever be required as a qualification to any office or public trust under the United States," and by the same authority it is declared that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

This is a government of laws, and all authority exercised must find its measure and warrant thereunder.

It is not within the power of the President nor of the Congress, nor of any judicial tribunal in the United States, to take or even hear testimony, or in any mode to inquire into or decide upon the religious belief of any official, and the proposition to allow this to be done by any foreign Government is necessarily and *a fortiori* inadmissible.

To suffer an infraction of this essential principle would lead to a disfranchisement of our citizens because of their religious belief, and thus impair or destroy the most important end which our constitution of government was intended to secure. Religious liberty is the chief corner-stone of the American system of government, and provisions for its security are imbedded in the written charter and interwoven in the moral fabric of its laws.

Anything that tends to invade a right so essential and sacred must be carefully guarded against, and I am satisfied that my countrymen, ever mindful of the suffering and sacrifices necessary to obtain it, will never consent to its impairment for any reason or under any pretext whatsoever.

In harmony with this essential law is the almost equally potential unwritten law of American society that awards respect and delicate consideration to the women of the United States and exacts deference in the treatment at home and abroad of the mothers, wives, and daughters of the Republic.

The case we are now considering is that of an envoy of the United States, unquestionably fitted, morally and intellectually, and who has been duly accredited to a friendly Government, towards which he is thoroughly well affected; who, in accordance with the laws of this coun-



try, has long since contracted and has maintained an honorable marriage, and whose presence near the foreign Government in question is objected to by its agents on the sole ground that his wedded wife is alleged to entertain a religious faith which is held by very many of the most honored and valued citizens of the United States.

It is not believed by the President that a doctrine and practice so destructive of religious liberty and freedom of conscience, so devoid of catholicity, and so opposed to the spirit of the age in which we live can for a moment be accepted by the great family of civilized nations or be allowed to control their diplomatic intercourse.

Certain it is, it will never, in my belief, be accepted by the people of the United States, nor by any Administration which represents their sentiments.

Permit me, therefore, being animated only by the sincerest desire to strengthen the ties of friendship and mutual respect between the Governments we respectively represent, most earnestly and respectfully to crave careful consideration of this note, and to request your Government to reconsider the views you have communicated to me in respect of the possible reception of Mr. Keiley on the mission of amity and mutual advantage which, in the amplest good faith, he was selected by this Government to perform.

Into the religious belief of its envoy, or that of any member of his family, neither this Government nor any officer thereof, as I have shown you, has any right or power to inquire, or to apply any test whatever, or to decide such question, and to do so would constitute an infraction of the express letter and an invasion of the pervading spirit of the supreme law of this land.

While thus making reply to the only reason stated by your Government as the cause of its unreadiness to receive Mr. Keiley, permit me also to remark that the President fully recognizes the highly important and undoubted right of every Government to decide for itself whether the individual presented as the envoy of another state is or is not an acceptable person, and, in the exercise of its own high and friendly discretion, to receive or not the person so presented. This right, so freely accorded by the United States to all other nations, its Government would insist upon should an occasion deemed to be proper arise.

Accept, &c.,

T. F. BAYARD.

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No. 4.

*Baron Schaeffer to Mr. Bayard.*

WASHINGTON, May 19, 1885.

SIR: I have the honor to acknowledge the receipt of your official note answering my communication of the 16th instant, relating to the nomination of Mr. Keiley as envoy extraordinary and minister plenipotentiary at the court of Vienna, and shall not fail to lay it before my Government in original with to-day's post.

Not feeling myself authorized to enter in any discussion of the arguments therein contained, I cannot but repeat my most friendly verbal request that the newly-nominated minister may not reach Vienna before the confidential *agrément* to his acceptance of the Imperial and Royal Government has taken place.

Accept, &c.,

SCHAEFFER.



## No. 5.

*Mr. Bayard to Baron Schaeffer.*DEPARTMENT OF STATE,  
Washington, May 20, 1885.

BARON: With reference to the note which I had the honor to address to you on the 18th instant concerning the appointment of the Hon. A. M. Keiley as the envoy extraordinary and minister plenipotentiary of the United States near the Government of Austria-Hungary, I have now the honor to present to you the view of this Government with respect to a point which had been advanced by your Government, and which I had, in preparing that note, set aside for more convenient examination.

In the telegram sent to you by Count Kalnoky, on the 8th instant, in relation to Mr. Keiley, a translation of which you kindly handed to me, I note that he desires the attention of this Government to be directed to what he designates as the generally existing diplomatic practice to ask, previously to any nomination of a minister abroad, the consent of the Government to which he is to be accredited.

In the conversation we held at the time you delivered that translation to me I stated to you that such practice did not prevail with this Government, nor was such consent sought in advance of its nominations of envoys to foreign states.

Upon reflection the importance of the question becomes apparent. Consequently, I have made careful search for the precedents and practice in this Department for the last ninety years. The result enables me to inform you that no case can be found in the annals of this Government in which the acceptability of an envoy from the United States was inquired about or ascertained in advance of his appointment to the mission for which he was chosen.

Whilst the practice to which Count Kalnoky refers may, in a limited degree, prevail among European States, yet in this respect the exceptions are very numerous, and there are important reasons why, in this country, the practice should never have been adopted, and why its adoption would not be practical or wise.

Our system of frequently recurring elections at regular and stated periods provides, and was intended to provide, an opportunity for the influence of public opinion upon those to whom the administration of public affairs has been intrusted by the people temporarily, and for a fixed time only, on the expiration of which an opportunity for a change in its agents and policies is thus afforded.

The affiliation in sentiment between a political administration thus defeated at the polls and a foreign nation closely interested in maintaining certain international policies and lines of political conduct, might render it difficult for an administration, elected for the very purpose of producing a change of policy, to procure the consent of the foreign Government to the appointment of agents whose views were in harmony with the latest and prevailing expression of public opinion as the result of popular election.

As this Government has never adopted the policy of employing professional diplomatists specially dedicated to the duties of the service, and as it has no titled or privileged class to select from for the performance of such duties, it is constrained to choose its representatives abroad from those who have been bred to other pursuits. In following this course, care is taken to secure persons of intelligence and standing, believed to be worthy of the confidence of their own Government and who

would not be likely to offend the susceptibilities of society or of the authorities of the foreign country. The choice of such representatives may not invariably have been wise, but I will venture to say that it has been in the main as nearly so as human fallibility will allow.

If, however, upon the announcement of a mission, the Government to which the chosen envoy is to be sent objects to him, and declines to receive him on the ground of some vague report to his discredit—probably originating in the disappointment of personal rivalry or in envy—it may result in creating an issue founded upon retaliation, and thus permit petty personal objections to seriously embarrass important public affairs, and, perhaps, in the end, prevent the accrediting of a representative of either Government. This to us would be especially undesirable in respect to Austria-Hungary, one of the most ancient and respected Governments in Europe, to which the United States are bound by many lasting ties of amity.

Permit me to observe, here, that, whilst the wise and time-honored custom of this Republic precluded the prior submission of the President's choice of his agent to the approval of the Government you represent, yet I availed myself of the earliest opportunity to courteously acquaint you, by my note of the 4th instant, and your Government directly by means of an instruction sent the same day to the United States legation at Vienna, of the choice and appointment of Mr. Keiley to that mission, and to bespeak for him, through your kind offices, that favorable reception at Vienna due to his merits as an American citizen of great ability and character. In so doing, I followed with pleasure the common usage of this Government on such occasions, and one which in many instances—although I find numerous exceptions—has been observed by other Governments toward this.

It is hoped, in view of the foregoing considerations, that His Majesty the Emperor of Austria and King of Hungary will find in the appointment of Mr. Keiley as envoy extraordinary and minister plenipotentiary of the United States no sufficient ground to reject him in that character because of His Majesty's sanction not having previously been asked.

Accept, &c.,

T. F. BAYARD.

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No. 6.

[Telegram.]

*Mr. Bayard to Mr. McLane.*

WASHINGTON, May 27, 1885.

Mr. McLane is directed to communicate to Mr. Keiley that two days after the latter had sailed for his post the Austrian minister in Washington had asked that the new minister's departure be delayed until the Austrian Government had announced its acceptance of the appointment. It was stated that Mr. Keiley's position at Vienna would be difficult if not impossible in consequence of the fact that his wife was a Jewess. Mr. Bayard had replied to the minister that Mr. Keiley had already sailed and that the United States could not constitutionally admit, consider, or discuss any supposed disqualification of its officers based on religion. It was also denied that the consent of a foreign country was a condition precedent to appointment. The Austrian minister communicated Mr. Bayard's note to his Government and nothing

further had been heard from him. It was not understood that the Austrian Government distinctly refused to receive Mr. Keiley for the reasons stated, but it holds out the threat of social ostracism, which would make the position of the minister painful and perhaps untenable. Full correspondence is forwarded by the mail of this date and it is preferred that Mr. Keiley should see it before going to Vienna.

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No. 7.

*Baron Schaeffer to Mr. Bayard.*

WASHINGTON, June 11, 1885.

SIR: Referring to your notes of the 18th and 20th May last, I have the honor to inform you that these papers have been laid before Count Kalnoky, and that I have been instructed by his excellency to inform you, confidentially, that His Majesty's Government must absolutely decline to make your deductions the basis of a discussion with the Government of the United States upon religious liberty and diplomatic law.

In Austria-Hungary, as well as in the United States, the constitution grants entire liberty to all forms of religious worship. *Our objections to Mr. Keiley's appointment as minister of the United States to the Imperial Court are founded upon want of political tact evinced on his part on a former occasion, in consequence of which a friendly power declined to receive him; and upon the certainty that his domestic relations preclude that reception of him by Vienna society which we judge desirable for the representative of the United States, with which power we wish to continue the friendly relations existing between the two Governments.*

Count Kalnoky adds that Keiley's rather sudden appointment and abrupt departure cannot be regarded very considerable proceedings, that his objections to said nomination remain in full force, and that he feels bound to express the repeated wish that Mr. Keiley may not arrive in Vienna just now.

Accept, &c.,

SCHAEFFER.

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No. 8.

*Mr. Bayard to Baron Schaeffer.*

DEPARTMENT OF STATE,  
Washington, June 15, 1885.

BARON: I have the honor to acknowledge the receipt of your note dated the 11th instant, which reached me at noon on the 12th.

It is deeply to be regretted that the friendly intentions and efforts of this Government to be represented at the court of Austria-Hungary by an envoy entirely acceptable to that friendly power have not been wholly successful in the case of the proposed minister, the honorable A. M. Keiley, who was commissioned by the President for that responsible and distinguished position on the 29th of April last, and of whose appointment you were advised by my note of the 4th of the following month.

It was solely and in direct response to the telegram of Count Kalnoky to you, which you kindly communicated to me on the 9th of May, that my notes of the 18th and 20th of May were written. The only objection assigned by Count Kalnoky to receive Mr. Keiley—being the religious faith of the latter's wife—was answered by my note of May 18th, and his suggestion or inquiry as to the practice of this Government to obtain in advance the "*agrément*" of a friendly foreign State before sending an envoy to it, called forth my note of the 20th.

The present declination of His Imperial and Royal Majesty's Government "to make" my "deductions the basis of a discussion" on these points closes, and, I may be permitted to say, somewhat abruptly, a correspondence invited expressly by Count Kalnoky's telegram to you, which, by his direction, you communicated to me; and I note, also, by your letter of the 11th instant, that Count Kalnoky's objections to the nomination in question "remain in full force." As I have already communicated to you the views of this Government concerning those objections, repetition thereof is unnecessary.

The objection to Mr. Keiley's reception as a minister of the United States at the Imperial and Royal court, which is for the first time made known and communicated to me in your note of the 11th instant, as founded upon a want of "political tact" on his part, which had led to the declination of "a friendly power to receive him," I do not feel called upon to discuss, because it seems difficult to imagine the basis for such an objection to a gentleman who has as yet never been in Europe nor held official relations to any foreign State.

The "domestic relations" of Mr. Keiley, somewhat obscurely alluded to, are, I suppose, objectionable to His Majesty's Government on the ground contained in Count Kalnoky's telegram of May 8, namely, his being "wedded to a Jewess," the effect of that having been stated by the same high source as rendering his residence at the court of Austria-Hungary "untenable and even impossible."

Having stated in my note to you of the 18th May the full recognition by the Government of the United States of the right of a foreign power to exercise its own high and honorable discretion as to the reception of an envoy from this Government, it does not seem necessary to repeat anything on that score, but I beg leave to draw your attention to the closing paragraph of your note of the 11th instant, stating the repeated wish of your Government that Mr. Keiley may not arrive in Vienna "just now," and to inquire whether this expression is intended temporarily to delay Mr. Keiley's presentation at Vienna, or is to be taken as constituting a final refusal to receive him at any time.

Accept, &c.,

T. F. BAYARD.

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No. 9.

*Mr. Francis to Mr. Bayard.*

[Extract.]

LEGATION OF THE UNITED STATES,  
Vienna, June 17, 1885.

MY DEAR MR. SECRETARY: Calling at the foreign office yesterday it was intimated to me by Mr. Szögyényi, chief of section, minister of foreign affairs, that serious objections had been made by the Austrian



Government to Mr. Keiley, which would render his recognition here as my successor extremely inconvenient. He said a friendly Government, a near neighbor, had objected to him as the United States representative at its court, and its views had found earnest expression here since the President had named him as United States minister to Austria-Hungary. The alleged fact that his wife was a Jewess did not influence the judgment of His Majesty's Government in the premises, for Austria is tolerant and liberal in respect of religious matters; but it cannot prescribe society usage which might be unpleasant in that regard.

I said in response to these observations that I deeply regretted the existence of the feeling entertained on this subject, but of course it could not be expected that I would enter into discussion concerning it.

\* \* \*

I am, &c.,

JOHN M. FRANCIS.

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No. 10.

*Mr. Francis to Mr. Bayard.*

LEGATION OF THE UNITED STATES,  
Vienna, June 24, 1885.

MY DEAR MR. SECRETARY: Referring to my letter to you of the date of June 17, I beg leave to submit the following:

Calling at the foreign office yesterday afternoon, mainly with the view of ascertaining whether the Emperor was likely to remain at the capital during the season longer than the present month, my object being to learn the fact with reference to an audience of His Majesty in behalf of my successor and myself at a convenient period, Count Kalnoky, minister of foreign affairs, at once commenced conversation respecting the appointment of Mr. Keiley to represent our Government near this court. He related that a confidential telegram was sent by him to Baron Schaeffer to indicate in a friendly way to you that His Majesty's Government preferred that some other selection should be made as my successor for this post; that you replied to this intimation by setting forth an argument upon the question, dwelling especially upon the marital relationship of Mr. Keiley, which had been incidentally referred to by him (Count Kalnoky) not as a government, but as a social element in the case which this Government could not control. He said he had declined to enter into a discussion of the case, because it was deemed sufficient in a diplomatic sense—and was altogether consistent with the most friendly relations—for a Government to intimate its objections to a minister sent to it, or proposed to be sent to it, by another Government; and such objections were usually regarded, and were not made the basis of diplomatic discussion. Italy had just objected to Mr. Keiley, and in consequence he resigned his office as minister to that court. He was, however, immediately appointed to Austria. This Government objected as soon as it heard of his appointment here, but Baron Schaeffer was told it was too late—Mr. Keiley was already on his way to Vienna. It would seem, said Count Kalnoky, that objections in such a case could not properly be overruled because of a hasty departure on the part of the appointed minister. The objections still exist, the same as if he had not left the country before it was possible for us to present them to Mr. Bayard. He said that they were not



founded, so far as this Government was concerned, upon the fact that Mrs. Keiley had been a Jewess. That fact, however, with marriage under civil law alone, would inevitably involve social exclusion. But the main reason for objections on the part of this Government is not only the action of Italy in the premises, but the public utterances of Mr. Keiley, which were of a character not agreeable to it. His position here would not be comfortable. We have sustained, he said, most kindly relations with your country. We sincerely wish to maintain those relations. We should not fail to recognize objections by your Government, and give them effect without entering into discussion on the subject before the world, against any minister we might propose to send to the United States. We would say the Government of the United States is a judge of this matter for itself; it is not for us to make up that judgment. And now we only ask in the interest of a common amity that this diplomatic rule shall be extended to us in the case under consideration. We do not want Mr. Keiley, and ought we not to be judges for ourselves? "As to our liberality and good feeling towards diplomatic representatives from the United States to this country, you, Mr. Minister, and your predecessors can testify. We are not intolerant; we mean to be just. We have our opinions and objections, and we think that, in a proper way, we may be allowed to give them expression and effect.

I said to Count Kalnoky that, while I could not discuss this question with him at all, since it was receiving the personal attention of Mr. Bayard, I must be permitted to express my deep regret that such feeling existed. I was here awaiting the arrival of my successor, and hoped an amicable arrangement of the matter would soon ensue. I inquired as to audience of His Majesty in behalf of my successor and myself after his arrival in Vienna, which might not be much longer delayed. Count Kalnoky replied that the Emperor was to leave for Ischl within a day or two, and would hold no more formal or diplomatic assemblies until September.

This, then, is the situation. I have carefully and accurately reported it. I have only to add that a sense of duty impels me to call your attention again to my confidential communication of the 17th instant, and especially to the three last paragraphs of that letter.

I have, &c.,

JOHN M. FRANCIS.

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No. 11.

*Mr. Francis to Mr. Bayard.*

No. 106.]

LEGATION OF THE UNITED STATES,  
Vienna, June 30, 1885. (Received July 18.)

SIR: The objections of the Imperial Royal Government to the recognition of Mr. Keiley as United States minister to Austria-Hungary have recently had expression with something of sensational vehemence in nearly all the Vienna newspapers. The leading daily journal of this capital, the New Free Press, discusses the matter at considerable length, and as its comments reflect the tone of the Vienna press generally on the subject, I transmit a slip of the article cut from its issue of June 27, and inclose translation of the same.

It will be seen that the main reason set forth against the acceptance of Mr. Keiley by the Imperial Royal Government is the alleged fact of objection to him by Italy, when he was recently appointed United States minister to that court, the character of the objection being specially dwelt upon as keenly affecting the susceptibilities of King Humbert.

The New Free Press article states, in terms less guarded, however, as respects carefulness of speech, substantially the utterances of Count Kalnoky, made to me on the 23d of June, and I presume there can be no doubt that the almost simultaneous expression of the Vienna press on the subject had its inspiration largely at the foreign office.

Yours, &c.,

JOHN M. FRANCIS.

[Inclosure in No. 106.—Translation.]

*Vienna New Free Press, Saturday, June 27, 1885.*

The most amicable relations exist between Austria-Hungary and the United States of America, and great effort has always been made in Vienna and in Washington to foster them. The greater must be, therefore, the surprise that Mr. Keiley, the newly-appointed envoy of the Union, who is already on his way to his new post of duty, is not accepted by Austria-Hungary. The facts in the case, however, are such that no fears need be entertained that this refusal of Mr. Keiley will disturb the good feeling between Austria-Hungary and the United States. Mr. Keiley once made a most violent speech at a Catholic meeting at Richmond, Va., denouncing King Victor Emmanuel, and calling the liberator of Italy and the creator of its unity the most insulting names. When Mr. Keiley was appointed minister to Italy the Quirinal, pointing to his hostile remarks on Victor Emmanuel, refused to receive him. Mr. Keiley was then appointed minister to Austria, probably without knowledge on the part of the President that his candidate had, by his speech, rendered it impossible for him to be employed in a diplomatic mission to any European state. Mr. Keiley has not been viewed as a proper representative at Vienna, firstly, because due respect for the Italian court demands that a man should be refused who has sullied the memory of the father of the reigning king of Italy; and, secondly, because Mr. Keiley's behavior gives rise to suspicion that he is not a proper person to render good service in the maintenance of friendly relations between Austria-Hungary and the United States.

All this would not have occurred if in the diplomatic intercourse of the United States with European Governments the same rule was applied as with the latter among themselves, where by the court to which a minister is to be sent is first asked whether the appointee is agreeable. But the Union, on account of the delay to which the correspondence is subject, has not considered it practicable to adopt this custom, and has not even adopted it to-day when the cable, whose absence made the reason plausible in former times, has removed this objection. Thus it happened that Mr. Keiley could be appointed, and steps for redress were possible only after the appointment had been made. These steps were taken, the Austrian Government through the envoy at Vienna, Hon. John M. Francis, and the Vienna court through the envoy at Washington, confidentially informing the United States Government that Mr. Keiley could not be accepted as diplomatic representative of the North American Union, since he had so gravely offended the Italian dynasty, and had been refused by the court of Rome.

Irrespective of all personal considerations the affair has political significance of high interest respecting our relations towards Italy. The ground alleged for the refusal to receive Mr. Keiley is the consideration due to Italy. Although various symptoms during the past few years gave rise to the thought that the relations between Vienna and Rome were slightly disturbed, an assumption made plausible by the fact that the visit of King Humbert to Vienna had not been returned by the Emperor Francis Joseph, and that the foreign policy of Mr. Mancini pointed to an estrangement with Germany and Austria-Hungary, the refusal to receive Mr. Keiley contradicts all this in a manner whose clearness leaves nothing to be desired. Not only is a proof of friendship given to the Italian Government by refusing the lawyer from Virginia to exercise the functions of envoy at Vienna, but it is also an act of personal and delicate courtesy which the Emperor Francis Joseph renders to King Humbert, who must necessarily be indignant that the memory of his father had been sullied most grossly by Mr. Keiley; and it cannot escape the King's notice that the non-approval is due to a regard for these feelings. Although assurances have occasionally been

received from Rome that the tie which binds Italy to the alliance with Germany and Austria-Hungary is as firm as ever, yet the approaches made towards England, the taking of Gladstone's part in the Egyptian question and the East African expedition, seem to confirm the opinion of those who look upon these manifestations of the foreign policy of Italy as signs of an approaching rupture with Germany and Austria-Hungary for the sake of an English alliance. The episode with Mr. Keiley shows that at Vienna no opportunity is allowed to pass without indicating to Italy every possible regard, and public opinion of Italy cannot remain blind to this fact. That the memory of Victor Emmanuel, the liberator of Italy, should be honored outside of Italy, must be gratefully felt by her, and King Humbert cannot fail to be touched to see that the Vienna court is reluctant to allow unfavorable criticism of his father by those who are appointed to represent foreign states here. There would have been no occasion at Vienna to commence such a delicate diplomatic discussion with the friendly North American Union, if the fact had been apparent that Italy was indifferent as to being on good terms with Austria-Hungary, or if there had been an intention to treat these relations more coolly. This Keiley case is a barometer which shows that the desire and inclination exist between Vienna and Rome to leave nothing undone to strengthen the friendship between the two courts.

On reflection the Cabinet at Washington will find that the reasons which actuated the Austro-Hungarian Government to refuse Mr. Keiley are such as to forbid any other course. The conviction that Austria-Hungary has the sincere desire of remaining on the most friendly terms with the great transatlantic Republic need not be reiterated at the White House; the amicable relations between the two countries are traditional. A personal matter will scarcely change them, the more so as in the present instance no ill-will towards the United States Government and its interests has dictated the course adopted by the Vienna cabinet. The diplomatic custom at Washington caused the episode of publicity which would otherwise have been avoided. To remove it from discussion as soon as possible will surely be the mutual aim of Washington and Vienna. Mr. Keiley, who has to bear the consequences of his thoughtless manifestation, will find in the great western Republic another sphere for his talents if it chooses to profit by them. But to the Vienna cabinet it will not deny the freedom to accept those foreign representatives only who have not prejudiced their capability to foster with care and tact the amicable relations between Austria-Hungary and the United States. The good terms we sustain with the Union will not suffer by preserving at the same time our friendship with Italy.

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## No. 12.

*Mr. Bayard to Mr. Francis.*

DEPARTMENT OF STATE,  
Washington, July 1, 1885.

SIR: I received yesterday your personal letter of the 17th ultimo. As the matter of Mr. Keiley's recognition, to which it partly relates, has been the occasion of prolonged correspondence here with the Austro-Hungarian minister, I treat the two opening paragraphs of your letter as officially on file, and give it answer in this form for your guidance in dealing with the subject with the representatives of the Austro-Hungarian Government.

The action of that Government in respect of the estimable gentleman appointed to be your successor has been marked by unusual features, some of them of an unpleasing character.

Early in March last Mr. Keiley had been nominated by the President and confirmed by the Senate as minister to Italy; and some weeks thereafter expressions of objection by the Italian Government were conveyed to me by Baron Fava, its minister to the United States. The objection alleged was based upon a speech made by Mr. Keiley in 1871 on the occasion of a public meeting held at Richmond, Va., to give expression to the sentiments of certain Roman Catholic citizens of that place in relation to the then pending conflict between Victor Emmanuel

and the Vatican. Because of those utterances, the present Italian Government discovered and averred that Mr. Keiley was to them *persona non grata*.

Upon learning their objection, Mr. Keiley returned his commission to the President, who forthwith appointed him to the mission to Austria-Hungary.

Mr. Keiley had then already made all his preparations to go to Rome, and his family and personal effects were in New York ready for embarkation, so that he left at once for his new post at Vienna.

The correspondence, of which I now send you copies, will place you in possession of the case up to the present time, as it appears on the files of this Department and is known to me. You will observe the situation relatively occupied by the Government of Austria-Hungary and that of the United States.

Count Kalnoky commented in his first communication upon the failure of this Government to obtain in advance the *agrément* of Austria-Hungary to Mr. Keiley's nomination. That aspect of the matter is fully answered by my note to Baron von Schaeffer of May 20. No such rule has ever obtained in a single instance in the history of this Department.

The only objection stated by Count Kalnoky is the marriage of Mr. Keiley to a Jewess, which may or may not be true. To this an answer was promptly given, and by that answer this administration stands, and so, I trust and believe, will the people of the United States. It seems to me quite impossible that Count Kalnoky could have understood the utter inability of this Government to entertain such a ground of objection in the face of the express prohibition of religious tests by our fundamental law, nor how offensive to American minds is the impeachment of the husband on the ground of the wife's supposed disability for her religious creed.

While I cannot, under the distinct inhibition of the Constitution, apply or take official cognizance of any religious tests in Mr. Keiley's case to prove or disprove the allegations made, I may observe that voluntary statements to me by those well qualified to judge are to the effect that Mrs. Keiley, although of Hebrew ancestry, has never herself professed the Jewish faith, and that the marriage had the sanction of the highest ecclesiastical Roman Catholic authorities in the United States, many of whom, moreover, joined most warmly in commending Mr. Keiley's appointment. I merely mention this, for it may turn out that the Austro-Hungarian Government is in serious error in accepting and acting upon unproven and perhaps false premises.

In his very brief answer to my notes, under date of June 11th, Baron von Schaeffer reports Count Kalnoky as declining to discuss the two points mentioned; from which I infer he does not propose to take issue with the positions assumed thereon by this Government in its correspondence. But, in the same note, you will observe that Count Kalnoky's objections to the appointment are reported to "remain in full force," and those objections, as has been shown, rested in great part on the assumed religious faith of the appointed envoy's wife. But Count Kalnoky also leaves the question of Mr. Keiley's ultimate reception in doubt, by requesting that Mr. Keiley "may not arrive in Vienna just now." I have asked, as you will have observed, in my last note to Baron von Schaeffer, for a final and distinct answer.

The diplomatic intercourse of this Government is intended to be conducted towards foreign powers in directness and simple good faith. Having no corps of professionally educated diplomatists, we select, as has been done in the instance of Mr. Keiley, an intelligent and upright



citizen of high personal character to represent the honor and interests of our country near a foreign Government. This envoy is believed to be thoroughly worthy and entirely friendly to the Government and people to whom he is accredited. We have had no traditional causes of misunderstanding or wounded susceptibilities with the Government of Austria-Hungary, and Mr. Keiley having never before been accredited to any foreign power, the suggestion of Count Kalnoky that he shows "want of political tact" is therefore wholly without color of reason or basis of fact.

Some sinister and secret influence would seem to have been at work to embarrass the efforts of this Government to be represented at the Imperial and royal court of Austria-Hungary by a gentleman in all respects so fit and worthy to appear there in the capacity of the representative of a friendly power.

Whilst Mr. Keiley was on the ocean on the voyage to Europe, an unusual incident was communicated by cable from London. A member of Parliament was reported as making inquiry of the British Government whether it had urged any objection to Mr. Keiley's reception at Vienna, and the inquiry was answered in the negative by the ministry.

In the public press sundry articles and telegrams have lately appeared suggesting that the objection of the Austro-Hungarian Government to Mr. Keiley was made in deference to the feelings of the Government of Italy and its representative at the court of Vienna; and this statement is confirmed by the tenor of your letter to me. That the Austro-Hungarian Government should seek or lend itself to any pretense of this nature is quite unaccountable. It is to be remembered that one of the most acceptable ministers ever sent by the United States to Austria, Mr. John A. Kasson, was first nominated for the Madrid mission, and that Spain objected to receive him because of his alleged public sympathy with the separatist movement in Cuba. The political objections to Mr. Keiley, namely, want of political tact, and fear of wounding the sensibilities of a friendly state, might have been urged with equal or greater force against Mr. Kasson; but he seems to have been more fortunate than Mr. Keiley, and no sinister influence undermined his position and opposed obstacles to the recognition of his personal worth and intellectual merits.

I mention these facts to apprise you of the situation so far as it is disclosed, and I do so because the subject has, after much delay, been brought to your notice by the Austro-Hungarian Government.

The Government of Italy has exercised its own discretion in respect of receiving an envoy from the Government of the United States, and there the matter should be concluded so far as that Government is concerned. When Austria-Hungary, a Government with whom we have held long association of a most friendly nature, assumes to reject our envoy because of the objection of Italy based upon an alleged occurrence confined to that Government alone, the case becomes very different.

It would appear intolerable were the good relations and diplomatic intercourse of the United States with Austria-Hungary to be thus embarrassed and obstructed by the special prejudices of any third Government or of those who may represent such Government in foreign courts.

The President is exceedingly desirous for the continuation and promotion of the closest and most friendly relations with Austria-Hungary, and to comply in all things with the wishes and interests of that Government as indicated by its agents, but not to an extent involving the slightest forfeiture of our national self-respect, or the respect and sense



of a friendly duty which, to exist at all between two equals, must be mutually guarded and maintained.

This Government has performed its full and friendly duty towards Austria-Hungary, in the appointment of Mr. Keiley as its envoy; and the reasons or suggestions which have been raised against his reception cannot be considered tenable when tried by any rule of friendly diplomatic intercourse or of constitutional or international law.

Desiring earnestly that the amicable relations which have so long existed between these two Governments and their peoples should be strengthened and not strained, I hope you will frankly convey the purport of this instruction to the Government of Austria-Hungary, in order that all objection to the friendly reception of Mr. Keiley may be withdrawn and a condition of feeling which I shall deplore but which I believe is likely to follow persistence in his rejection for the causes, or rather want of causes, stated, may be averted.

Mr. Keiley is now in Paris. Should you have occasion to address him you can do so in care of Minister McLane.

I will ask you to present your letter of recall after you have had your interview with the minister for foreign affairs in relation to Mr. Keiley. You will thereupon turn over the legation to the secretary, Mr. Strong, as chargé d'affaires *ad interim*, and he can act in that capacity until he is relieved, either by Mr. Keiley, or by the arrival of a new secretary of legation, to whom he will relinquish both his regular office and his temporary charge.

You will advise me, briefly, by telegraph, of the result.

I am, &c.,

T. F. BAYARD.

#### INCLOSURES.

- No. 1. Mr. Bayard to Baron von Schaeffer, May 18, 1885 (printed as Document 2).
- No. 2. Baron Schaeffer to Mr. Bayard, May 19, 1885 (printed as Document 3).
- No. 3. Mr. Bayard to Baron Schaeffer, May 20, 1885 (printed as Document 4).
- No. 4. Baron Schaeffer to Mr. Bayard, June 11, 1885 (printed as Document 6).
- No. 5. Mr. Bayard to Baron Schaeffer, June 15, 1885 (printed as Document 7).

#### No. 13.

*Mr. Francis to Mr. Bayard.*

No. 117.]

UNITED STATES LEGATION,  
Vienna, July 28, 1885. (Received August 17.)

SIR: I have the honor to acknowledge the receipt on July 21 of your instruction of the date of July 1, 1885, treating of the appointment of Hon. A. M. Keiley to be my successor at this post, and inclosing your correspondence with Baron von Schaeffer, the Austrian minister at Washington, relative to objections urged by Count Kalnoky, the Imperial and Royal minister of foreign affairs, to such appointment.

In conformity with the instruction referred to I immediately made application at the foreign office for audience of his excellency, Count Kalnoky, who was then out of town, but returning on July 25 he promptly granted me audience on that day. I presented to Count Kalnoky the substance of your instruction referred to, together with memorandum embracing the inquiry you had made in your note to Baron v. Schaeffer of the date of June 11, 1885, with respectful re-

quest for reply as to whether the wish of the Austrian Government, that Mr. Keiley may not arrive "just now," is intended temporarily to delay Mr. Keiley's presentation at Vienna, or is to be taken as constituting a final refusal to receive him at any time. I also gave expression to the wishes of Mr. Keiley in the premises as he had communicated them to me, with statement of his desire for a prompt decision of the case. I said to Count Kalnoky that it seemed to me only simple justice that such decision should be rendered soon as convenience would permit.

I announced to his excellency at the same time that it was my wish to present at the earliest practicable day my letter of recall to His Imperial and Royal Majesty the Emperor, and I would be glad to have a time fixed for this purpose.

Count Kalnoky said he was only awaiting the arrival of Baron v. Schaeffer, now due in Vienna, for conference with him in regard to the Keiley case, and its decision by the Imperial and Royal Government would be promptly given after such interview.

His excellency said in reply to my request for an early opportunity to take leave of His Majesty, that the Emperor would not return to Vienna until September, but His Majesty would depute him (Count Kalnoky) as had been done in other similar cases to receive the letter of recall. He intended to leave town for the Emperor's summer residence at Ischl that day, but would return to Vienna so as to be here on the 31st instant. Then he would be able, he thought, to give me the desired audience in behalf of the Emperor.

I may say in this connection that Baron v. Schaeffer arrived in Vienna the day I had this interview with Count Kalnoky (July 25), and I have therefore reason to believe the case of Mr. Keiley, so far as the Austro-Hungarian Government is concerned, will very soon be decided.

I have, &c.,

JOHN M. FRANCIS.

No. 14.

[Telegram.]

*Mr. Francis to Mr. Bayard.*

VIENNA, August 4, 1885.

BAYARD, Washington :

Conference Saturday. He will answer soon. Take leave Friday. Lee arrived.

FRANCIS.

No. 15.

[Telegram.]

*Mr. Lee to Mr. Bayard.*

VIENNA, August 4, 1885.

Mr. Lee reports that the minister for foreign affairs has declared that he cannot receive Mr. Keiley, and has asked that the United States appoint another minister.

## No. 16.

[Telegram.]

*Mr. Bayard to Mr. McLane.*

WASHINGTON, August 5, 1885.

Mr. Bayard instructs Mr. McLane to inform Mr. Keiley that the Austrian Government positively and finally refuses to receive him, and it is thought that he should forthwith return to the United States. Answer requested.

## No. 17.

*Mr. Lee to Mr. Bayard.*

No. 127.]

UNITED STATES LEGATION,  
Vienna, August 6, 1885. (Received August 18.)

SIR: Referring to Mr. Francis's dispatch, No. 125, under date of August 3, I have to report that pursuant to the appointment made with Count Kalnoky on Monday, August 3, I called at the foreign office on Tuesday, August 4, to receive from his excellency an answer to the substance of your dispatch to Mr. Francis dated July 1.

Count Kalnoky said that immediately on hearing of the appointment of Mr. Keiley to Austria-Hungary he telegraphed Baron Schaeffer confidentially the wishes of his Government, his intention being that his views should be verbally communicated to Mr. Bayard. He said that the objection to Mr. Keiley did not in any manner involve the question of liberty of conscience, for on that score he thought that the laws of this country were as liberal as those of my own; but that the anti-semitic social feeling here was a fact, that a person of proximate semitic descent would be excluded both by the social and diplomatic circles of Vienna, and that fact was beyond the control of his Government; that he would not speak of Mr. Keiley's views on the differences between Italy and the Pope beyond saying that his form of expression was very objectionable and even insulting to the reigning dynasty of a friendly and neighboring country; that since the question of Mr. Keiley's reception had become public, there has developed here an almost unanimous public opinion as expressed by the press and through other agencies against the propriety of his recognition by this Government; that he (Count Kalnoky) reluctantly and in a spirit of the kindest friendship towards a Government with which his own had sustained the friendliest relations, whose representatives here had all been most highly esteemed in the diplomatic corps, and some whom (notably Mr. Francis) had also acquired distinguished social positions, felt obliged, as he could not secure for Mr. Keiley the position due to a United States minister, to ask me to say to Mr. Bayard that he could not receive Mr. Keiley and would ask him to make another selection.

Count Kalnoky said that he had of course informed the Emperor on the subject; that His Majesty had not expressed any individual opinion concerning it, but had referred the decision to him.

He further said that his reference to the diplomatic practice of obtaining of a foreign Government its *agrément* to the nomination of a minister, was meant only to indicate how such diplomatic questions as this one, for instance, were frequently avoided by Governments, but not with

any intention of criticising the methods in use by the United States in such matters. He also said he was quite ready to admit all of Mr. Keiley's good qualities and was extremely sorry for him individually on account of the position he found himself in; but he felt his own action in the premises had been from the first calculated to relieve him from a more disagreeable one.

He thought it undiplomatic to have intimated, without adducing some confirmatory proof, that Italy was influencing the decision of his Government, but would say that he had not been approached on the subject, once even, by the Italian ambassador.

I replied that I very much regretted that his sense of duty obliged him to decide as he had done, and that I should immediately inform Mr. Bayard of the decision.

I thereupon telegraphed you as follows: (Substance of this telegram will be found in Document No. 15.)

I have written to Mr. Keiley at Paris informing him of the decision in his case.

I have, &c.,

JAMES FENNER LEE.

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No. 18.

*Mr. Lee to Mr. Bayard.*

No. 131.]

UNITED STATES LEGATION,  
Vienna, August 17, 1885. (Received August 31.)

SIR: By the advice of Mr. Francis I called on Mr. de Szogyenyi on his return from a short holiday; told him I had merely come to pay my respects, as owing to his absence Mr. Francis had been unable to present me. He received me very civilly, and after conversing on indifferent subjects he asked me what I heard from Mr. Bayard about the Keiley matter. I replied that I had no information on the subject from Washington. He then asked me why Mr. Bayard had not recalled Mr. Keiley, to which I replied that Mr. Bayard could not do it under the circumstances. He asked why, and my reply was that an objection to Mrs. Keiley's religion (though I must disclaim any knowledge of its accuracy) could not be considered in my country a sufficient reason for recalling Mr. Keiley. He then said, as Count Kalnoky did, it was not a religious question, but a social one. I replied that I did not think Mr. Bayard desired me to discuss the question, and I thought Count Kalnoky's reply to Mr. Francis' memorandum of Mr. Bayard's dispatch closed the question. He then conversed on other subjects for a short time, when he asked me if I had known Baron von Schaeffer in America. I told him I had only been introduced shortly before leaving home, and had crossed the Atlantic with him to Antwerp, and thence traveled with him to Vienna. Resuming he said, "Schaeffer is a very ill man." I observed that I believed Baron Schaeffer's friends in America thought him more seriously ill than he thought himself to be. He then said, "Yes, yes, I hardly think he will return to America."

We then conversed on other matters for a short time, and I bade him good afternoon, he accompanying me to the door.

I have, &c.,

JAMES FENNER LEE.



No. 19.

*Mr. Bayard to Mr. Lee.*

No. 4.]

DEPARTMENT OF STATE,  
*Washington, August 31, 1885.*

SIR: Your telegram, dated the 4th instant, and your dispatch, No. 127, of the 6th instant, have duly informed me of the final and deliberate decision of the Government of Austria-Hungary, communicated to you by Count Kalnoky in your interview with him on the 4th instant, not to receive the Hon. Anthony M. Keiley as the envoy extraordinary and minister plenipotentiary of this Government.

The reasons or causes which are avowed to have led the Government of Austria-Hungary to this conclusion may be found in the correspondence heretofore exchanged, and it is not my design to restate the straightforward efforts of the United States to send a competent and worthy representative of American interests and feelings near the Government of Austria-Hungary.

It may, however, be proper here to note that the United States never pressed Mr. Keiley upon Austria-Hungary, nor have they insisted upon his acceptance. His Imperial and Royal Majesty's Government, on learning of Mr. Keiley's appointment, stated certain objections, and invited the Government of the United States to admit their sufficiency by withdrawing its envoy.

This course would have raised no difficulty had the objections presented been such that the President could have recognized their pertinency and force, and, of his own executive action, annulled the appointment.

But the disinclination to accept Mr. Keiley was placed by Austria-Hungary on grounds which could not be admitted by the President, with due regard to the provisions of the Constitution, nor be held by him to constitute any disability under our law or custom. The President's freedom of action being thus barred by the Austrian presentment of the case, no alternative remained, the status having been duly made known by us, but to await from the Imperial and Royal Government a positive announcement of its purposes with regard to the acceptance or rejection of Mr. Keiley, and this announcement has at last been definitely communicated to you.

Nations, like individuals, are the proper guardians of their own self-respect and honor, and the people of the United States must decide upon their acceptance of the novel conditions of diplomatic intercourse which have been set up and insisted upon by Austria-Hungary in the case of Mr. Keiley.

By no act of mine nor with my consent can the Government of the United States be placed in an attitude of supplication for favor, or become a petitioner for recognition on terms prescribed by any foreign power, and this expression meets the full approval of the Executive.

There is, therefore, and can be, no suggestion of expostulation or protest by us against the unprecedented action of the Government of Austria-Hungary.

All that has been said and written by us has been designed to make it clear that, as between the revocation of Mr. Keiley's appointment by this Government and his rejection as an envoy by that of His Imperial and Royal Majesty, the responsibility of the final decision must rest with the latter, which, having now signified its determination and accomplished its object, must abide the result.



International comity, as understood and practiced by the United States, is substantial and sincere, and applies to the public interests of governments and to the vast concerns embraced and controlled by governmental action. It is not the intention of the Government of the United States, as it cannot be the wish of the people of this country, from whom the power of administration is derived, to allow the important and dignified objects which diplomatic intercourse was designed to promote to be lost sight of or subordinated to the prejudices and caprices of a limited social circle.

We recognize the necessity of high personal character and intelligence in the envoys of the United States, and their possession of perfect amity and good faith towards the Government and people to whom they are sent. No breach of social conventions on their part is contemplated, neither is personal immorality to be condoned. Individual worth and competency are tests by which their fitness is to be measured. Judged by this indispensably high standard, no breath of imputation against Mr. Keiley's good fame is discoverable.

Whilst this Government concedes as freely as it exercises the right to refuse to receive an envoy, yet when that right is so exaggerated and expanded as to become a virtual claim of the function of selection as well as of rejection we must demur.

On the face of Count Kalnoky's telegram to the Austro-Hungarian minister at this capital, in the communications, both written and verbal, made to me by Baron von Schaeffer, and in the reports by Mr. Francis of his interview with Mr. Szogyényi at the foreign office and your own report in full of Count Kalnoky's statements to you in your final interview with him on this subject, two facts appear: First, that the alleged race and religious faith of the wedded wife of an envoy of the United States is held a cause of his rejection; and, further, that objections by a third party—"a friendly power"—are necessary to be removed in order to allow a proper reception to be extended.

These considerations are simply intolerable, and are, in the case of the United States, not only inhibited by the plain letter and undying spirit of our constitution of government, but are inconsistent with that decent self-respect which forbids a nation of sixty millions of freemen to accept the position of a diplomatic dependency of the "friendly power" whose behests appear to have been acquiesced in and carried out by Austria-Hungary in the present instance.

The issues thus raised are grave, and I will not now pursue their discussion, as they will in all probability be submitted to the representatives of the American people upon the meeting of the two Houses of Congress in December next.

While consideration of the merits is thus laid aside, two matters of detail and fact, which were stated by Count Kalnoky in his last interview with you on the 4th instant, require my attention in this instruction.

First. His excellency avers that his intention was to have had his views stated verbally to me by Baron von Schaeffer. I can only say, as to this, that whatever may have been his private intentions, the full copy of his telegram to Baron von Schaeffer, of May 8, was by the latter carefully translated and handed to me in writing, and that the objection to the religious faith of Mr. Keiley's wife, which appeared in that telegram, was the main point of discussion between Baron von Schaeffer and myself, and was insisted upon by him against my earnest remonstrance and explanation that the President could not withdraw Mr. Keiley on such grounds. A month later, on the 11th of June, Baron

von Schaeffer, in writing, communicated to me Count Kalnoky's declaration "that his objections to said nomination remain in full force."

Secondly. His excellency remarked to you that "he thought it undiplomatic to have intimated, without adducing some confirmatory proof, that Italy was influencing the decision of his Government."

My desire to attain absolute truth in my relation of facts has certainly been greater than to excel in the periphrases of diplomacy, but his excellency must have been either unmindful or uninformed of the statements of his associate, Mr. Szogyenyi, chief of section in the ministry for foreign affairs, made to Mr. J. M. Francis, then the United States minister, on June 16, at the foreign office, or he certainly would not have averred that my comment was not diplomatic.

On that occasion Mr. Szogyenyi distinctly informed Mr. Francis that "a friendly Government, a near neighbor, had objected to him" (Mr. Keiley) "as the United States representative at its court, and its views had found earnest expression here" (in Vienna) "since the President had named him as United States minister to Austria-Hungary."

Mr. Keiley's mission was the only object of that interview, and statements emanating from a source so authoritative can scarcely be held to need "confirmatory proof."

It may not be superfluous in this connection to refer to the language of Count Kalnoky in his letter to Baron von Schaeffer, as communicated to me by the latter under date of May 19, as exhibiting the influence upon his intentions of the "friendly power" referred to, wherein he states his objections to the reception of Mr. Keiley as being "based upon want of political tact evinced on his part on a former occasion, in consequence of which a friendly power declined to receive him, and upon the certainty that his domestic relations preclude that reception of him by Vienna which we judge desirable for the representative of the United States."

You are instructed to make known to Count Kalnoky the facts in regard to the communication of his telegraphic dispatch in writing, and its subsequent confirmation in Baron von Schaeffer's letter to me, and also the statement of Mr. Szogyenyi to Mr. Francis in relation to the "earnest expression" at Vienna, of the wishes of a third party concerning the diplomatic relations of Austria-Hungary and the United States.

The personal and individual opinions of His Majesty the Emperor, to which Count Kalnoky made reference in your interview, we must of course hold to have been expressed by his distinguished minister.

I cannot close this instruction without referring to the remark addressed to you by Count Kalnoky, that "the antisemitic social feeling here [in Vienna] was a fact; that a person of proximate semitic descent would be excluded both by the social and diplomatic circles of Vienna, and that fact was beyond the control of his Government." This fact, if beyond the control of the Imperial and Royal Government, is equally beyond the cognizance of the Executive power of this Republic, which could not admit a principle which, through the exclusion of "persons of proximate semitic descent," and others married to "persons of proximate semitic descent," would establish a religious test, and disfranchise from holding public office a very large and important body of our citizens.

It is a cause of astonishment that in an era of advanced civilization, in which musty prejudice and illiberal discrimination among religious sects and races of mankind are giving such gratifying proofs of their rapid extinction, when throughout the wide world the death of the venerable and philanthropic Montefiore is so genuinely mourned, when the

council of highest rank and most exclusive privilege of the British Empire is glad to enrol in its peerage a member of the noted house of Rothschild, that from so enlightened a Government as that of Austria-Hungary should proceed the declaration that "proximate semitic descent" will be sufficient to proscribe individuals of admittedly blameless and virtuous personality from appearing at that court clothed in the representative character of a friendly power.

I am, &c.,

T. F. BAYARD.

No. 20.

*Mr. Keiley to Mr. Bayard.*

NEW YORK, September 1, 1885. (Received September 7.)

SIR: My appointment as minister of the United States near the court of Austria-Hungary was communicated to me on the 2d of May, 1885, and on the 7th I sailed for my post, arriving at Cherbourg on the 17th and at Paris the following day. In the railway station at the latter city I was handed your telegram directing me not to proceed to Vienna until I had heard from you further, and I accordingly remained.

On the 7th of August I received a letter from Col. J. Fenner Lee, secretary of the legation of the United States at Vienna, and later in the same day a cablegram from yourself, announcing that the Austrian Government had finally refused to receive me; and conceiving it my duty to return at once to the United States, I secured passage on the earliest available steamer, sailing on the 15th and arriving in New York on the 26th, and proceeded the next day to Washington to possess myself of the details of the correspondence between the foreign offices of the respective Governments and to learn the attitude and purpose of the Administration.

I am advised by you that it is not the design of my Government to recall me or to countenance in any other manner the extraordinary objection made by Austria to my reception, but that I am left free to pursue such course as my own judgment may indicate as appropriate.

That course is entirely clear. I cannot consent to accept the compensation of an office without discharging the duties, and I therefore hereby return to the President the commission with which he was pleased to honor me, and beg that you will, at the earliest moment, lay this communication before him.

Under other circumstances this note might be concluded here; but the position of the Government of Austria-Hungary in respect of this case involves questions of so grave a nature, concerns principles of American liberty so vital and elementary, and affect the rights, feelings, and interests of so large a segment of our people, that I may be pardoned for asking official consideration of the facts.

These will be best understood by a summary of the correspondence in the sequence of its dates.

On the 8th of May Count Kalnoky, the Austrian minister of foreign affairs, forwarded a telegram from Vienna to Baron von Schaeffer, the Austrian minister at Washington, which was communicated to you on the following day, by the latter, in a translation under his own signature. As the first announcement of Austria's objection, expressed in language of her own choosing, and officially communicated by her most exalted representative, this dispatch must, of course, be regarded as

the official statement of the position of that Government. In that communication the only syllable suggestive even of exception to myself is contained in this sentence :

The position of a foreign envoy, wedded to a Jewess by civil marriage, would be untenable and even impossible in Vienna.

This objection, thus announced with a certain bluntness, disdaining even the affectation of respect for modern ideas of freedom, is, as we shall see, repeated at every step of this correspondence with a persistence which discloses either the purpose of a deliberate and gross insult to the American people or a desire to mask under a false reason, avowed, though disreputable, a true reason too disreputable to be avowed. I say an insult to the American people, because in this, its first form of statement, as ever throughout this correspondence, it is proclaimed that in the official regard of Austria, Hebrew blood brands as with a leprosy, not only excluding all tainted with it from high honor at Austria's hands, but disqualifying beyond remedy even the agents of other Governments who may have business with Austria, so fatal, indeed, that even a marriage connection with it by a citizen of whatever blood or belief, unfits him for the representation of a foreign and friendly power at this imperial and royal court.

In the same dispatch Count Kalnoky formally requested that my departure for Vienna should be delayed, but as I had already sailed, your only recourse was to step me in transit, as was done. Of this Baron von Schaeffer was informed, and he communicated the fact to his Government.

On the 16th of May he transmitted to you a second message from Count Kalnoky, in which that distinguished personage reiterated his threat of official ostracism in these words :

The new minister will find himself in a most painful position upon his arrival in Vienna.

To this, as well as to his first telegram, you made a full and formal reply on the 18th of May, calling attention to those principles of religious liberty and absolute civil equality embedded in our organic law which were invaded by this assumption, and deprecating the bigotry which stood ready to hazard international comity for reasons which the administration would not even condescend to discuss, and you called attention to the affront to American independence in the assumption, in substance, by a foreign power of a right to prescribe a religious test for an American office, and to the more offensive affront to the genius of our people in seeking cause for the disfranchisement of the citizen in the faith of his wife. In this dispatch you fortunately fixed the limits of the contention by designating this objection of bigotry as "the reason, and the only reason, given for the indisposition of the Government of Austria-Hungary to receive Mr. Keiley."

On the 19th of May, Baron von Schaeffer acknowledged receipt of your answer and promised to forward it in original by that day's post to Vienna, and on the 10th of June you were furnished with Count Kalnoky's response, in which he restates his objection to my reception, declaring it *now* to be "based upon want of political tact evinced on his part on a former occasion, in consequence of which a friendly power declined to receive him, and upon the certainty that his domestic relations preclude that reception of him by Vienna society which *we judge* desirable for the representative of the United States."

In the same dispatch Count Kalnoky expressed the wish that "Mr. Keiley may not arrive in Vienna *just now*."



The new objection is the announcement of the claim by Austria to sit in judgment upon the qualifications of an American minister, and to determine them by the opinions or prejudices of a third power in a matter in which that third power alone was interested; and is even more conspicuously an insult to the United States than the former objection. We shall also see significant evidence in the future correspondence that of this position, as of the other, Count Kalnoky has the grace to be ashamed.

The instability of purpose betrayed in a request that I should not arrive in Vienna "just now," contained in a dispatch adding objections to those which Count Kalnoky had already declared would make my position at Vienna "impossible," seemed to indicate the dissatisfaction of Austria with her own case and an unwillingness on the part of her minister to face the responsibility of his extraordinary claim; but determined as you were that this controversy, at once so profitless and so unpleasant, should be speedily settled, you instructed Mr. Francis, the American minister in office at Vienna, to request of the Austrian Government an early and definite decision.

Meanwhile you had received from Mr. Francis a dispatch covering the details of an interview with Mr. Szogyenyi, chief of section in the ministry of foreign affairs at Vienna, held on the 17th of June, in which that confidential and high officer cited the objections "which a friendly Government and near neighbor" had opposed to me, adding that its views had "found earnest expression at Vienna."

This formal statement, in connection with Count Kalnoky's objection, justified the suspicion that Austria was insulting the United States to please Italy, and you desired Mr. Francis to call that matter also to the attention of her minister.

On the 25th of July, Mr. Francis laid the whole matter fully before the Austrian minister of foreign affairs, and left with him a memorandum of the position of the United States in detail, to which Count Kalnoky promised a reply as soon as he could confer with Baron von Schaeffer, then on his way to Vienna.

On the 3d of August, this response was formally communicated to Colonel Lee, the American chargé, and was transmitted by him to you in a full dispatch, dated August 6, at the same time cabling to you the conclusion of Austria not to receive me.

In this interview Count Kalnoky informed Mr. Lee that his first dispatch to Baron von Schaeffer was designed to be *verbally* communicated to you; that the anti-semitic feeling in Vienna was so decided that a person of proximate semitic descent would be equally excluded by both the social and diplomatic circles of that city; that as to the intervention of Italy, he regarded it undiplomatic in the American Secretary of State to advert to it without confirmatory proof; but that in point of fact he had not even been approached by the Italian minister on that subject. Finally, that Austria would not receive an American minister obnoxious to the objections presented to me.

With respect to the intervention of Italy, not only has the press of Vienna enjoying the reputation of semi-official authority, openly avowed that my rejection was an evidence of the disposition of Austria to placate Italy, but both Count Kalnoky and his chief of section, with as much directness of statement as is permitted to diplomacy, admitted the same to be true.

If Count Kalnoky, in affirming that the Italian minister had not approached him on this subject, merely meant to say that Italy's objec-

tion, though made, was not presented through a particular channel, he simply illustrated the proverbial insincerity of diplomatic intercourse. If, however, he meant to deny that Italy's objection was presented in any way, he accentuates the insult to the United States, since he confesses that, in order to propitiate that power, he shut the door of the Austrian court in the face of an American minister for a cause which Italy herself does not deem of sufficient gravity to suggest.

But the great objection, maintained throughout, repeated in every communication, varied in expression as if to present it in every form of offense, is the proclamation that no matter what his character, qualification, or public services, no American citizen of Hebrew race or creed, and no American citizen of whatever race who commits the crime, in Austria's eyes, of marrying a Hebrew wife, shall be received in diplomatic circles in Vienna, or permitted to represent the interests of the United States at the Austrian court.

That is to say, Austria claims the right (1) to prescribe a religious test for office in the United States. (2) To determine what creed shall constitute the disqualification.

It is difficult to determine whether the citizen is more outraged by the first or the Republic insulted by the second.

Certain it is until the Constitution of the United States is altered to meet Austria's views in this behalf there is no fit place nor appropriate function for an American minister at Vienna.

The doctrine is elementary that the mutual independence and sovereignty of states demand that all free nations shall have power, with or without cause, to decline to receive a particular envoy. A nation may, since all things are possible to stupidity and malevolence, declare that it will receive no minister whose hair is not red, and the only permissible resentment is the withdrawal of all intercourse. So a nation may decline to receive a particular envoy, without assignment of cause, and under diplomatic law, without conveying offense. When, however, it declines to avail itself of its right to decide such a question by a simple *sic volo*, and proceeds to give reasons, it submits to the jurisdiction of reason and invites judgment on the rightfulness of its course.

Justice to its own people and protection of their right are the first obligations of every Government; and in this case but one course seems adequate to the vindication of the one and the maintenance of the other.

Austria's claim is not an exercise of the power of rejection. It passes far beyond this, and in substance amounts to a demand of the privilege of selection, an infringement of the liberty and an affront to the dignity of the United States, such as no power could accord without humiliation or assent to without public shame.

There can be no question that this assumption of an Austrian veto of Presidential appointments will, as it ought to, arouse the resentment and encounter the rebuke of every American citizen in whose breast that pride of country which is the essence of patriotism has place.

Nor will that resentment be less decided from the circumstance that the race and religion thus proscribed have won their place with the foremost of the earth by an eminence in statesmanship and finance, in arts and letters, which has conquered the inherited intolerance of centuries, and the further circumstance that the blow which wounded them pierced also the most ennobling relation of human society.

I have, &c.,

A. M. KEILEY.

No. 21.

*Mr. Bayard to Mr. Keiley.*

No. 2.]

DEPARTMENT OF STATE,  
*Washington, September 15, 1885.*

SIR: I have the honor to acknowledge the receipt of your letter of the 7th instant, which contains your resignation of the position of envoy extraordinary and minister plenipotentiary to Austria-Hungary.

The statement of the facts attending your appointment in May last, and your voyage to and from Europe in pursuance of your mission, which accompanies your letter, is entirely accurate, and the reasons you assign for no longer retaining the commission intrusted to you are consonant with your own dignity and personal character as an upright citizen and honest public servant.

The President and those who are associated in his council are completely satisfied with your attitude and action throughout this remarkable episode in our diplomatic history, and all deeply regret that the country has been prevented by the unprecedented and intolerable action of the Austro-Hungarian Government from having the advantage of your personal presence at Vienna and of your services there as a competent and worthy representative of the interests and honor of the American people and their Government.

I am thoroughly aware of, and exceedingly deplore, the serious personal inconvenience and pecuniary loss which have been entailed upon you by the wholly unexpected course of the Government to which you were accredited. And whilst I might, for some reasons, have deprecated your refusal to accept the other official positions of honor and emolument of which the option was tendered to you, yet your action in declining to place yourself in the attitude of an indiscriminating seeker or recipient of public salary and position is so in keeping with the estimate formed of your character that I am sure it will receive the hearty and enviable acclaim and approbation of your fellow countrymen.

The proprieties attaching to diplomatic communications have necessarily caused the correspondence in this case between the Governments of the United States and Austria-Hungary to be withheld from publication, and much honest misunderstanding, and, I regret to say, no little malevolent misstatement, have been allowed to pass uncorrected, but the incident of the declination by the Government of Austria-Hungary to receive you as the envoy of the United States, upon the grounds alleged, is destined, I believe, to have important consequences.

I will not believe that the people of the United States will ever consent to the creation or enforcement of such tests as have been insisted upon by the Government of Austria-Hungary as conditions precedent and qualifications for the selection of their representatives in foreign courts by the United States. Such action must naturally awaken widespread amazement, coupled with indignation and resentment, when the history of the case is made public, nor do I believe that these sentiments will be confined to our own country, but that, wherever religious liberty is valued and respected, a common judgment will be formed.

In closing this communication, I reiterate my expressions of disappointment that you have disconnected yourself temporarily from the public service. Whilst the immediate cause for this voluntary act of severance is to be regretted, yet I congratulate you that your name is honorably associated with the maintenance and vindication of principles

which constitute the very soul of personal liberty, and which lie at the foundation of our Government. To be allied with such principles is honor at all times, with success as a certain finality.

I am, &c.,

T. F. BAYARD.

No. 22.

*Mr. Lee to Mr. Bayard.*

No. 147.]

UNITED STATES LEGATION,  
VIENNA, October 9, 1885. (Received October 24.)

SIR: I have the honor to say that in accordance with your instruction No. 4, dated August 31, 1885, I called on Count Kalnoky on Tuesday, October 6, and communicated to him the facts in regard to the communication of his telegraphic dispatch in writing and its subsequent confirmation in Baron Von Schaeffer's letter to you, and also the statement of Mr. Szögyényi to Mr. Francis, in relation to the "earnest expression" at Vienna of the wishes of a third party concerning the diplomatic relations of the United States and Austria-Hungary.

Having listened attentively to what I had to say on the first point, he simply observed, "Yes, there is no doubt Baron Von Schaeffer made a mistake in communicating in writing confidential instructions to himself. These matters always should be considered verbally and confidentially."

With regard to Mr. Francis's interview with Mr. Szogyenyi, he said it is impossible that Mr. Szogyenyi could have said anything that implied an interference on the part of the Italian Government. Mr. Francis must have misunderstood him. You know he does not speak English very well; but he could not have said it, as it had not occurred. Oblige me on going from here to go to Mr. Szogyenyi's office and ask him what his recollection of this interview with Mr. Francis was. I rather protested against seeking corroboration to his own words. He replied that he especially desired it, and begged me to go immediately from his office to Mr. Szogyenyi before there could be any possibility of his seeing him or conversing with him. I replied that if he made an especial request that I would do so to gratify him. He said he was much obliged to Mr. Bayard for calling his attention to the matter, as it was always desirable to have any such mistake rectified at once. Count Kalnoky also asked me to say to Mr. Bayard that he regretted exceedingly that any misunderstanding should exist between the two countries, and that it was foreign to his mind that any misunderstanding should grow out of what had occurred.

I then went, as requested, to see Mr. Szogyenyi, who was not in his office when I sent my card (his office is in a different part of the same building), but I was asked to wait, as he would not be absent long. On his return I told him the object of my visit, when he at once said Mr. Francis had misunderstood him; that, of course, he could not recollect the exact language of all the conversations he held, but that it was impossible that he should have said anything to Mr. Francis that would have given him to understand that the Italian Government was taking any part in the matter of Mr. Keiley's reception, as it was not true. It must have been the fault of his bad English. He did recollect conversing with Mr. Francis on the subject, but when I asked him what



I should tell Mr. Bayard he did say, he said he could not, of course, recollect exactly at that distance of time, but that Italy never had objected, and he could not have said anything that implied that it had. He begged me to explain how impossible the matter was to my Government, and again said that it must have been the fault of his English.

It transpired during the interview that he had seen Count Kalnoky since I had, as he asked me at the end of his explanation what Count Kalnoky had said on the subject, when I told him he had said exactly the same thing, he replied: "I am glad. I was with the count a few minutes ago, and he asked me if I had seen you; I said no." He then said, "Mr. Lee is no doubt waiting now to see you, so go at once." I asked him what Mr. Lee wanted to see me about, Count Kalnoky replied, "Never mind; I do not wish to talk to you about it before you have seen him, and in that way perhaps influence the bent of your thoughts."

The remainder of the interview, being upon a different subject, I reserve for a separate dispatch.

I have, &c.,

JAMES FENNER LEE.

S. Ex. 4—3

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